

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LA'SHAUN CLARK,	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	: 20 Civ. 251 (PAE) (GWG)
	:
NEW YORK CITY HOUSING AUTHORITY;	:
NEW YORK INSULATION &	:
ENVIRONMENTAL SERVICES, INC.; JLC	:
ENVIRONMENTAL CONSULTANTS, INC;	:
ROCKMILLS STEEL PRODUCTS CORP.,	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

With regard to the application made in plaintiff's letter of November 20, 2020 (Docket # 125), plaintiff may file a motion for a default judgment against defendant New York Insulation & Environmental Services ("NYIES"). The motion must comply with the following requirements:

1. Plaintiff must attach a copy of the Certificate of Default.
2. Plaintiff must attach Proposed Findings of Fact and Conclusions of Law that (1) quote all allegations in the complaint that show that NYIES is liable to plaintiff; (2) give proposed findings of fact as to any damages; and (3) give the legal reasons in the form of conclusions of law why the allegations entitle plaintiff to the damages sought. Each Proposed Finding of Fact and Conclusion of Law shall be sequentially numbered. The submission shall contain a concluding paragraph that succinctly summarizes what damage amount (or other monetary relief) is being sought, including the exact dollar amount being sought.

3. Plaintiff's Proposed Findings of Fact must specifically tie the proposed damages figure(s) to the legal claim(s) on which liability has been established; should demonstrate how plaintiff has arrived at the proposed damages figure(s); and should be supported by one or more sworn statements, which may attach any documentary evidence establishing the proposed damages. Each Proposed Finding of Fact as to damages shall be followed by a citation to the paragraphs of the sworn statement(s) and/or page of documentary evidence that supports each such Proposed Finding. To the extent a Proposed Finding contains any allegations regarding liability, the Proposed Finding must cite to the appropriate paragraph of the complaint.

In lieu of submitting Proposed Conclusions of Law, plaintiff may submit a memorandum of law setting forth the legal principles applicable to plaintiff's claim or claims for damages.

4. Plaintiff shall serve a copy of her motion papers, along with a copy of this Order, on NYIES by mailing a copy to

President
New York Insulation & Environmental Services
58-48 59th St,
Maspeth, NY 11378

President
New York Insulation & Environmental Services
31-19 30th Ave,
Astoria, NY 11102

and emailing a copy to info@nyinsulates.com, with a subject line showing the caption and docket number of this case.

5. At the time of the filing of the papers (or promptly thereafter), plaintiff must also file a declaration showing service was made in accordance with this Order.


6. The Court hereby notifies the parties that it may conduct this inquest based solely upon the written submissions of the parties. See Action S.A. v. Marc Rich & Co., Inc., 951 F.2d 504, 508 (2d Cir. 1991); Fustok v. ContiCommodity Servs, Inc., 873 F.2d 38, 40 (2d Cir. 1989). To the extent that any party seeks an evidentiary hearing on the issue of damages, such party must set forth in its submission the reason why the inquest should not be conducted based upon the written submissions alone, including a description of what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

7. NYIES may respond to any motion within 30 days of its filing.

Dated: New York, New York

November 30, 2020

SO ORDERED:



GABRIEL W. GORENSTEIN
United States Magistrate Judge